PATENT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant:	CHO ET AL.	)	
		)	Examiner M. Genack
Appl. No.	09/941,265	)	
		)	Art Unit 2645
Confirm. No.	7226	)	
		)	Atty. Docket No. CS11122
Filed:	28 August 2001	)	

Title: "Mobile Communication Devices With Quick-Send Features And Methods Therefor"

REPLY BRIEF UNDER 37 C.F.R. § 41.41

Assistant Commissioner for Patents
Alexandria, Virginia 22313

Sir:

Arguments Re: Conception & Diligence

Discussion of Conception

Regarding conception, the Examiner asserts in the Answer that the Motorola Patent Committee document (submitted in support of the 131 Declaration)

> … does not disclose Internet enabled mobile wireless communication devices, nor anything related to the Internet in general…. [T]he original disclosure teaches associating different types of network address information including only home, cell, pager, and office telephone numbers. Thus the mention of "network addresses" in the original disclosure does not establish conception specifically for Internet use.

The original invention disclosure teaches associating different types of "network addresses" with one or more inputs of an input key on the device, wherein transmission is effected by maintaining the last key input for a minimum input time interval. While the original disclosure did not explicitly specify an Internet address, those having ordinary skill in the art would understand and interpret the original teaching to encompass Internet addresses. An Internet address is, by definition, a network address that was known generally to those having ordinary skill in the art at the time of conception.

Discussion of Diligence

The Examiner asserts that the establishment of diligence in Applicant's representatives 131 Declaration is a matter of formal sufficiency reviewable by the Commissioner, not the Board of Patent Appeals & Interferences.

The Examiner does not assert that Applicant's 131 Declaration does not include factual evidence (a formal sufficiency). Instead, the Examiner asserts that the fact submitted do not support diligence. Whether or not factual evidence submitted by the Applicant establishes diligence requires a factual inquiry, which goes to the merits of the application and is reviewable by the Board of Patent Appeals & Interferences. MPEP 715.08.

Arguments Re: Joglekar

Summary of Answer Arguments

In the Answer, the Examiner asserts incorrectly that that Claims 1, 5 & 12 do not recite maintaining a last input of sequential inputs for a "minimum input time interval". The Examiner asserts further that Applicant relies upon distinctions over the prior art that are not recited in the claims, and that the dictionary definition proffered by Applicant does not support the distinctions relied upon. Lastly, the Examiner incorrectly interprets Joglekar's teaching of depressing multiple speed dials keys within a predetermined time period as reading on the limitation in Applicant's claim of "… maintaining the last input thereof for a minimum input time interval."

Discussion of Claims 1, 5 & 12

Contrary to the Examiner's assertion, Claims 1, 5 & 12 explicitly recite maintaining a last input of sequential inputs for a "minimum input time interval". Thus to the extent that the Examiner's argument relies upon the absence of the "minimum input time interval" from the claims, the rejection must be withdrawn.

In Claims 1, 5 & 12, information is transmitted from a device upon entering sequential inputs and upon maintaining the last of the inputs for a predetermined time interval. Particularly, in Claim 1, stored information is transmitted from the wireless communication device by

> … entering sequential inputs associated therewith *and* maintaining the last input thereof for a minimum input time interval [emphasis supplied].

In Claim 5, a stored communication address is transmitted from the mobile wireless communication device by

> … entering sequential inputs associated therewith *and* maintaining the last key input for a minimum input time interval [emphasis supplied].

In Claim 12, a first communication address is transmitted from the mobile wireless communication device by

> … entering the sequential key inputs associated therewith *and* upon maintaining a last of the sequential key inputs for a predetermined time interval [emphasis supplied].

The "maintaining…" limitations in Claims 1, 5 & 12 must be interpreted to mean that something more than entering sequential inputs is required to transmit the address; If not, the "maintaining" limitation would be redundant. The "maintaining" limitation requires that the last input of the "entering sequential inputs" act be prolonged. Thus, the Examiner must give patentable weight to the "maintaining" limitations in Claims 1, 5 & 12 and the prior art must teach the "maintaining" limitation to establish a prima facie case under 35 U.S.C. 102(e).

Contrary to the Examiner's assertion, Joglekar does not disclose the "maintaining…" limitations of Claims 1, 5 & 12. Joglekar discloses depressing input key (M1 or M2) 318 or 324 one or more times within a predetermined time period to initiate automatic dialing. There is no indication that Joglekar maintains the depression of the last input. In Joglekar, one or more depressions of the key (which causes actuation of the switch and the

subsequent generation of an interrupt-access signal) correspond to the "… entering sequential inputs …" limitations of Claims 1, 5 & 12. Maintaining the key depression in Joglekar would not communication any additional information to the processor. Joglekar nevertheless fails to disclose any activity or function that corresponds to the "… maintaining …" limitations of Claims 1, 5 & 12.

Joglekar's disclosure of depressing the input key (318 or 324) one or more times *within* a predetermined time period does not read on the limitations in Claims 1 & 5 of "…maintaining the last key input for a minimum input time interval" or the limitation of Claim 12 of "…maintaining a last of the sequential key inputs for a predetermined time interval." In Joglekar, the speed dial number is determined based on the number of key depressions within the predetermined time period. In Claims 1, 5 & 12, the information transmitted is based on the number of inputs in the sequence and based on maintaining the last input for a predetermined or minimum input time period interval. Joglekar constrains the period within or during which the key inputs must be made, whereas the claimed invention requires that the last input be maintained for a predetermined time period without constraining the time period during which the input sequence is made.

Prayer For Relief

In view of the discussion above, the Claims of the present application are patentably distinguished over the art. Kindly withdraw any rejections and objections and allow this application to issue as a United States Patent without further delay.

Respectfully submitted,

/R K Bowler/

ROLAND K. BOWLER II 26 JUL. 2006
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